

Regular Session, 2009

HOUSE BILL NO. 564

BY REPRESENTATIVES ABRAMSON AND MICKEY GUILLORY AND SENATOR
BROOME

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/SEX OFFENSES: Creates the crime of trafficking of children for sexual purposes

1 AN ACT

2 To enact R.S. 14:46.3, relative to trafficking of children for sexual purposes; to create the
3 crime of trafficking of children for sexual purposes; to provide for definitions; to
4 prohibit the use of certain defenses; to provide for criminal penalties; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:46.3 is hereby enacted to read as follows:

8 §46.3. Trafficking of children for sexual purposes

9 A. It shall be unlawful:

10 (1) For any person to knowingly recruit, harbor, transport, provide, solicit
11 or otherwise obtain a person under the age of eighteen years for the purpose of
12 engaging in commercial sexual activity; or

13 (2) For any person to knowingly benefit from participation in a venture
14 which has engaged in activity prohibited by the provisions of this Section; or

15 (3) For any parent, legal guardian, or person having custody of a person
16 under the age of eighteen years to knowingly permit or consent to such minor
17 entering into any activity prohibited by the provisions of this Section.

18 B. For purposes of this Section, the following words have the following
19 meanings:

1 (1) "Commercial sexual activity" means any sexual act performed or
2 conducted when any thing of value has been given, promised, or received by any
3 person.

4 (2) "Venture" means any group of two or more individuals associated in fact,
5 regardless of whether or not they are associated in a legal entity.

6 C.(1) Consent of the minor shall not be a defense to a prosecution pursuant
7 to the provisions of this Section.

8 (2) Lack of knowledge of the victim's age shall not be a defense to a
9 prosecution pursuant to the provisions of this Section.

10 (D)(1)(a) Whoever violates the provisions of Paragraphs (A)(1) or (2) of this
11 Section shall be fined not more than fifty thousand dollars, imprisoned at hard labor
12 for not less than fifteen, nor more than fifty years, or both.

13 (b) Whoever violates the provisions of Paragraphs (A)(1) or (2) of this
14 Section when the victim is under the age of fourteen years shall be fined not more
15 than seventy-five thousand dollars and imprisoned at hard labor for not less than
16 twenty-five years nor more than fifty years. At least twenty-five years of the
17 sentence imposed shall be served without benefit of probation, parole, or suspension
18 of sentence.

19 (2) Whoever violates the provisions of Paragraph(A)(3) of this Section shall
20 be required to serve at least five years of the sentence imposed without benefit of
21 probation, parole or suspension of sentence. Whoever violates the provisions of
22 Paragraph (A)(3) when the victim is under the age of fourteen years shall be required
23 to serve at least ten years of the sentence imposed without benefit of probation,
24 parole or suspension of sentence.

25 E. No victim of trafficking as defined by the provisions of this Section shall
26 be prosecuted for unlawful acts committed as a direct result of being trafficked.

27 F. The provisions of Chapter 1 of Title V of the Louisiana Children's Code
28 regarding the multidisciplinary team approach applicable to children who have been

- 1 abused or neglected, to the extent practical, shall apply to the children who are
2 victims of the provisions of this Section.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Abramson

HB No. 564

Abstract: Creates the crime of trafficking of children for sexual purposes and provides for criminal penalties.

Proposed law creates the crime of trafficking of children for sexual purposes and defines it as follows:

- (1) To knowingly recruit, harbor, transport, provide, solicit, or otherwise obtain a person under the age of eighteen years for the purpose of engaging in commercial sexual activity.
- (2) To knowingly benefit from participation in a venture which has engaged in activity prohibited by proposed law.
- (3) For any parent, legal guardian, or person having custody of a person under the age of eighteen years to knowingly permit or consent such minor to enter into any activity prohibited by proposed law.

Proposed law defines "commercial sexual activity" and "venture".

Proposed law provides for the following criminal penalties:

- (1) General penalty includes a fine of not more than \$50,000, imprisonment at hard labor for 15 to 50 years, or both.
- (2) When the victim is under the age of 14, the perpetrator shall be fined not more than \$75,000, and imprisoned at hard labor for 25 to 50 years, with a minimum mandatory sentence of 25 years.
- (3) When the perpetrator is a parent, legal guardian, or person with custody of a minor, he shall be required to serve at least five years of the sentence imposed without benefit of probation, parole, or suspension of sentence.
- (4) When the perpetrator is a parent, legal guardian, or person with custody of a victim who is under the age of 14 years, the perpetrator shall be required to serve at least 10 years of the sentence imposed without benefit of probation, parole, or suspension of sentence

Proposed law provides that the multidisciplinary team approach applicable to children who have been abused or neglected, to the extent practical, shall apply to the children who are victims.

(Adds R.S. 14:46.3)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Amends the criminal penalties to provide for enhanced penalties when the victim is under the age of 14 years.